STATE OF WISCONSIN

Senate Journal

Seventy-Seventh Session

MONDAY, October 11, 1965.

1:00 o'clock P.M.

The senate met.

The president in the chair.

Prayer was offered by the Reverend Wilbur A. Reid of the First Christian Church of Madison.

The senate remained standing and recited the Pledge of Allegiance to the Flag of the United States.

The roll was called and the following senators answered to their names:

Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Thompson, Warren and Zaborski—29.

Absent—Senators Leonard, Miller, Smith and Sussman—4.

LEAVES OF ABSENCE

Senators Miller and Smith were granted a leave of absence for today's session, upon motion of Senator Knowles, with unanimous consent.

Senator Sussman was granted a leave of absence for today's session, upon motion of Senator Zaborski, with unanimous consent.

COMMUNICATIONS

The State of Wisconsin Office of Attorney General Madison, Wisconsin

October 11, 1965.

The Honorable, The Senate State Capitol Madison, Wisconsin

Gentlemen: You have requested an opinion by Senate Resolution No. 22, which provides:

"Resolved by the senate, That the attorney general is requested to provide an opinion as expeditiously as possible as to the application of Wisconsin's lobbying laws, and specifically the requirements for registration with and licensing by the secretary of state, to an individual who represents only nonprofit civic organizations and who receives no salary or other compensation from the organizations represented, except for partial reimbursement of expenses incurred in such representation.

Sec. 13.66, Stats., provides in part:

"Restrictions on practice of lobbying. (1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of s. 13.63 and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket.

Sec. 13.63, Stats., referred to above, provides for the licensing of lobbyists, and the suspension or revocation of such license. Sec. 13.63 (1), Stats., provides in part:

"Licenses for lobbyists; suspension or revocation. (1) LICENSES; FEES; ELIGIBILITY. Any person of full age and good moral character who is a citizen of the United States and otherwise qualified under ss. 13.61 to 13.71 shall be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of appli-

cation for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of \$10 to the secretary of state, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more principals. * * *"

The terms "lobbying," "lobbyist," "principal," and "pecuniary interest" as applied to the lobbying law are defined by sec. 13.62 (1), (2), (4) (a) and (7), Stats.:

- "13.62 Definitions. The following words and phrases shall have the meaning respectively ascribed to them:
- "(1) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof.
- "(2) LOBBYIST. Any person who engages in the practice of lobbying for hire except in the manner authorized by s. 13.70. Lobbying for hire shall include activities of any officers, agents, attorneys or employes of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.
 - "(3) * * *
- "(4) PRINCIPAL. (a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.
- "(7) PECUNIARY INTEREST. The term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business."

Since no provision of the lobbying law relating to licensing or registration refers to the classifications of profit or nonprofit, civic or non-civic, the fact that the individual represents only nonprofit civic organizations is not determinative of the question whether that person is subject to the licensing and registration provisions of the lobbying law.

The lobbying law requires that persons falling within the class of "lobbyists" be licensed and registered with the secretary of state and the term "lobbyist" is defined by sec. 13.62 (2), Stats., as any person who engages in the practice of lobbying for hire except in the manner provided for in sec. 13.70, Stats. The question presented, therefore, is whether an individual who receives no salary or other compensation from the organizations represented, except for partial reimbursement of expenses incurred in such representation, is engaged in the practice of lobbying "for hire."

It is my opinion that the phrase "for hire" denotes a relationship in which one compensates another for labor or services performed. Mere reimbursement for monies expended or obligations incurred as expenses incidental to the rendering of such labor or services does not constitute compensation for such labor or services performed. Black's Law Dictionary states:

"HIRE, n. Compensation for the use of a thing, or for labor or services. State v. Kenyon, Inc., Tex. Civ. App., 153 S.W. 2d 195, 197.

"A bailment in which compensation is to be given for the use of a thing, or for labor and services about it. 2 Kent 456; Story, Bailm. sec. 359. * * *" See also:

Ozark Minerals Co. v. Murphey, (1943) 384 Ill. 94, 51 N.E. 2d 197, 201

State ex rel. Murphey v. Welch and Brown, (1940) 187 Okl. 470, 103 P. 2d 533, 534;

Aleksioh v. Industrial Accident Fund, (1944) 116 Mont. 127, 151 P. 2d 1016, 1018

Wisconsin has a general rule of statutory construction embodied in sec. 990.01 (1), Stats.:

"Construction of statutes; words and phrases. In the construction of Wisconsin laws the words and phrases which follow shall be construed as indicated unless such construction would produce a result inconsistent with the manifest intent of the legislature:

"(1) GENERAL RULE. All words and phrases shall be construed according to common and approved usage; but technical words and phrases and others that have a peculiar meaning in the law shall be construed according to such meaning."

Sec. 13.66, Stats., requires the licensing only of those persons engaged in the practice of a "lobbyist." Since a "lobbyist" is defined as one who lobbies for hire, an individual not within the exception contained in sec. 13.70 (1), Stats., lobbying, but not for hire, is not required to be licensed by the Wisconsin lobbying law. Furthermore, the second sentence of sec. 13.66 (1), Stats., provides:

"* * No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until such lobbyist is duly entered on the docket. * * *"

It is clear that this section applies only to "lobbyists employed" to lobby in respect to matters "affecting the pecuniary interest" of the principal. The section does not prohibit lobbying in respect to matters affecting the pecuniary interest of the principal by persons not receiving compensation for their labor and services.

It is my opinion that a person receiving compensation for lobbying must be registered whether or not the subject matter on which he is lobbying affects a pecuniary interest of a principal, but a person engaged in lobbying but not receiving compensation for his labor and services (beyond reimbursement for expenses), is not required to be licensed and registered unless falling within the exception contained in sec. 13.70 (1), Stats. Sec. 13.70 (1), applies to persons who are officers, agents, appointees, or employes of the State of Wisconsin or of the United States and who lobby with respect to legislation pending or to be proposed which affects their pecuniary interests.

Very truly yours,

BRONSON C. LA FOLLETTE, Attorney General.

CAPTION: "For hire" as used in sec. 13.62 (2), Stats., defining "lobbyist" means for compensation paid for services and excludes one who is only reimbursed for his expenses.

The reading at length of the foregoing opinion of the Attorney General was dispensed with and the caption only was read by the clerk, upon motion of Senator Knowles, with unanimous consent.

COMMITTEE REPORT

The committee on Labor, Taxation, Insurance and Banking reports and recommends:

Assembly Bill 598

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 603

Nonconcurrence; Ayes, 5; Noes, 0.

Assembly Bill 620

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 873

Concurrence; Ayes, 5; Noes, 0.

GERALD D. LORGE, Chairman.

SPECIAL COMMITTEE REPORTS

Assembly Bill 285

Was returned from the joint survey committee on Retirement Systems, with reference to previous report of April 1st.

To committee on Governmental and Veterans' Affairs.

MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in

Assembly Joint Resolution 109 and has

Passed and asks concurrence in

Assembly Bill 18

Assembly Bill 487

Assembly Bill 823

Assembly Bill 892

Assembly Bill 905 and

Assembly Bill 923 and has

Concurred in Senate Joint Resolution 101 and Senate Joint Resolution 102

ASSEMBLY MESSAGE CONSIDERED

Assembly Joint Resolution 109

Was read.

To committee on Public Welfare.

Read first time and referred.

Assembly Bill 18

To committee on Labor, Taxation, Insurance and Banking.

Assembly Bill 487

To committee on Agriculture.

Assembly Bill 823

To committee on Judiciary.

Assembly Bill 892

To committee on Judiciary.

Assembly Bill 905

Senator Hollander asked unanimous consent that the bill be referred to the calendar.

Senator Zaborski objected.

To committee on Governmental and Veterans' Affairs.

Assembly Bill 923

To committee on Labor, Taxation, Insurance and Banking.

MOTIONS

Senate Bill 479

Was recalled from the joint committee on Finance and referred to the calendar, upon motion of Senator Panzer, with unanimous consent.

Assembly Bill 463

The vote by which the bill was concurred in was reconsidered, upon motion of Senator Busby.

The bill was re-referred to the committee on Judiciary, upon motion of Senator Busby, with unanimous consent.

Upon motion of Senator LaFave, with unanimous consent, the senate returned to the 3rd order of business.

INTRODUCTION OF AMENDMENTS

Substitute amendment No. 1, S. to Senate Bill 172 was offered by Senator LaFave.

Amendment No. 2, S. to Assembly Joint Resolution 110 was offered by Senator Knowles.

Amendment No. 1, S. to Assembly Bill 304 was offered by Senator Risser.

Amendment No. 2, S. to Assembly Bill 304 was offered by Senator Risser.

Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 2:15 o'clock this afternoon.

RECESS

2:15 o'clock P.M.

The senate was called to order by the president protempore.

Upon motion of Senator Leverich, with unanimous consent, the senate returned to the 7th order of business.

COMMITTEE REPORT

The committee on Agriculture reports and recommends:

The appointment by the Governor of Donald James, of Pardeeville, a member of the Board of Directors of the Wisconsin Exposition Department, to succeed Martin Salm, Sr., for the term ending August 1, 1971.

Confirmation; Ayes, 5; Noes, 0.

The appointment by the Governor of Herbert P. Velser, of West Allis, a member of the Board of Directors of the Wisconsin Exposition Department, to succeed himself, for the term ending August 1, 1971.

Confirmation; Ayes, 5; Noes, 0.

Senate Bill 199

Passage: Aves. 5: Noes. 0.

Senate Bill 389

Adoption of substitute amendment 1, S.; Ayes, 4; Noes, 0; passage as amended; Ayes, 2; Noes, 2 and without recommendation.

Assembly Bill 128

Concurrence: Ayes, 5; Noes, 0.

Assembly Bill 605

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 633

Concurrence; Ayes, 5; Noes, 0.

J. EARL LEVERICH, Chairman.

MOTIONS

Assembly Bill 905

Was recalled from the committee on Governmental and Veterans' Affairs and referred to the calendar, upon motion of Senator Zaborski, with unanimous consent.

CALENDAR OF TUESDAY, OCTOBER 5th, CONTINUED THIRD READING OF BILLS AND RESOLUTIONS

Assembly Joint Resolution 76

To amend article XII, section 1 of the Constitution, relating to the procedure for amending the state constitution.

Was read a third time.

The question was: Shall the joint resolution be concurred in?

The ayes and noes were required and the vote was: ayes, 23; noes, 6; absent or not voting, 4; as follows:

Ayes-Senators Bice, Busby, Carr, Draheim, Hansen,

Hollander, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Thompson, Warren and Zaborski—23.

Noes—Senators Benson, Christopherson, Dempsey, Dorman, Kendziorski and McParland—6.

Absent or not voting—Senators Leonard, Miller, Smith and Sussman—4.

So the joint resolution was concurred in.

The president resumed the chair.

Senate Bill 268

Relating to municipal justices of the peace.

The senate refused to pass the bill.

Senator Knowles moved that the vote by which the senate refused to pass the bill be reconsidered.

The bill was laid over until Wednesday, October 13th, upon motion of Senator Knowles, with unanimous consent.

Senate Bill 444

Relating to delinquent income tax accounts.

The bill was laid over until tomorrow, upon motion of Senator Risser, with unanimous consent.

Senate Bill 445

Relating to the creation of an advisory committee to assist the commissioner of taxation in the field of taxation. Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 25; noes, 3; absent or not voting, 5; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopherson, Hansen, Kendziorski, Keppler, Knowles, Krueger, La-Fave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Thompson, Warren and Zaborski—25.

Noes—Senators Dempsey, Dorman and Hollander—3.

Absent or not voting—Senators Draheim, Leonard, Miller, Smith and Sussman—5.

So the bill passed.

Senate Bill 490

Relating to the motor fuel tax and providing penalties.

The bill was referred to the joint committee on Finance, upon motion of Senator Hollander, with unanimous consent.

Senator Hollander asked unanimous consent that the bill be recalled from the joint committee on Finance and considered at this time.

Senator Zaborski objected.

The bill was recalled from the joint committee on Finance and referred to the calendar, upon motion of Senator Hollander, with unanimous consent.

CALENDAR OF WEDNESDAY, OCTOBER 6th EXECUTIVE COMMUNICATIONS

Senate Bill 103

Prohibiting the use of lie detector tests by private employers and providing a penalty.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 18; noes, 11; absent or not voting, 4; as follows:

Ayes—Senators Benson, Busby, Christopherson, Dorman, Hansen, Kendziorski, Keppler, LaFave, Leverich, Lorge, Lourigan, McParland, Rasmusen, Risser, Schreiber, Schuele, Thompson and Zaborski—18.

Noes—Senators Bice, Carr, Dempsey, Draheim, Hollander, Knowles, Krueger, Meunier, Panzer, Roseleip and Warren—11.

Absent or not voting—Senators Leonard, Miller, Smith and Sussman—4.

So the question was decided in the negative, a two-thirds vote being required.

Senate Bill 314

Relating to the creation, membership, powers and duties of an internship commission, and fees for pharmacy licenses and permits.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 25; noes, 4; absent or not voting, 4; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland,

Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Thompson and Warren—25.

Noes—Senators Christopherson, Dempsey, Meunier and Zaborski—4.

Absent or not voting—Senators Leonard, Miller, Smith and Sussman—4.

So the bill passed, notwithstanding the objections of the Governor.

Senate Bill 393

Relating to granting the department of administration the power to regulate parking on the grounds of any state office building.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The bill was laid over until Wednesday, October 13th, upon motion of Senator Knowles, with unanimous consent.

ASSEMBLY MESSAGE CONSIDERED

Senate Joint Resolution 36

Relating to the retirement and eligibility for office and service after retirement of supreme court justices and judges of other courts of record. (1st consideration).

Substitute amendment No. 1, A. was non-concurred in, upon motion of Senator Busby.

Senate Bill 11

Relating to garnishment actions.

Amendment No. 1. A. was concurred in.

Senate Bill 82

Relating to the use of studded tires.

Substitute amendment No. 1, A. was concurred in.

Senate Bill 114

To correct terminology relating to secured transactions covered by the commercial code.

Amendment No. 1, A. was concurred in.

Senate Bill 401

Relating to the redemption of revenue or mortgage bonds issued by a municipality.

The bill was laid over until Wednesday, October 18th upon motion of Senator Zaborski, with unanimous consent.

SECOND READING AND AMENDMENT OF SENATE BILLS

Senate Bill 429

Read a second time.

Substitute amendment No. 1, S. was adopted.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 429

Relating to the deputy commissioner of the department of administration.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 23; noes, 5; absent or not voting, 5; as follows:

Ayes—Senators Benson, Bice, Busby, Christopherson, Draheim, Hansen, Hollander, Kendzoirski, Keppler, Knowles, Krueger, Leverich, Lorge, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schrieber, Schuele, Warren and Zazorski—23.

Noes—Senators Carr, Dempsey, Dorman, LaFave and Lourigan—5.

Absent or not voting—Senators Leonard, Miller, Smith, Sussman and Warren—5.

So the bill passed.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 16

Read a second time.

The bill was laid aside temporarily, upon motion of Senator Zaborski, with unanimous consent.

CALENDAR OF THURSDAY, OCTOBER 7th ASSEMBLY MESSAGE CONSIDERED

Senate Bill 35

Relating to parental signature on motor vehicle registration application by minors under 18 years of age.

Amendment No. 1, A. was concurred in.

CONSIDERATION OF MOTIONS

Assembly Joint Resolution 4

Relating to 4-year terms of office for the governor, secretary of state, state treasurer and attorney general.

The question was: Shall the vote by which the joint resolution was non-concurred in be reconsidered?

The joint resolution was made a Special Order for 9:00 o'clock Wednesday morning, October 18th, upon motion of Senator Zaborski, with unanimous consent.

Assembly Bill 16

Which had been laid aside temporarily earlier was considered at this time, upon motion of Senator Zaborski, with unanimous consent.

The bill was ordered to a third reading.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 16

To appropriate \$1,167 from the highway fund for payment of a claim made by St. Joseph's Congregation against the state.

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Thompson, Warren and Zaborski—29.

Noes-None.

Absent or not voting—Senators Leonard, Miller, Smith and Sussman—4.

So the bill was concurred in.

CONSIDERATION OF RESOLUTIONS

Senate Joint Resolution 63

Relating to public park development along Lake Monona. Was read.

Senator Risser moved that the joint resolution be rejected.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 11; absent or not voting, 4; as follows:

Ayes—Senators Benson, Busby, Christopherson, Dempsey, Dorman, Draheim, Hansen, Kendziorski, LaFave, Leverich, Lorge, Lourigan, McParland, Risser, Schreiber, Schuele, Thompson and Zaborski—18.

Noes—Senators Bice, Carr, Hollander, Keppler, Knowles, Krueger, Meunier, Panzer, Rasmusen, Roseleip and Warren—11

Absent or not voting—Senators Leonard, Miller, Smith and Sussman—4.

So the joint resolution was rejected.

Senate Joint Resolution 80

Relating to the approval of an order of the state department of agriculture amending the definitions and standards of identity for meat products.

Was read.

Substitute amendment No. 1, S. was adopted.

Amendment No. 1, S. to substitute amendment No. 1, S. was offered by Senator Zaborski.

The joint resolution was laid over until the calendar of Monday, October 11th, upon motion of Senator Zaborski, with unanimous consent.

Upon motion of Senator Knowles, with unanimous consent, the senate returned to the 5th order of business.

BILLS INTRODUCED

Senator Knowles secured unanimous consent to introduce the following bill.

Senate Bill 601

An act to create a temporary committee to make recommendations on Senate Bills 221 and 434.

By Senators Hollander, Knowles, Lorge, Zaborski, Schuele, Benson, Christopherson, Roseleip, Hansen, Dorman, Rasmusen and Carr.

Read first time.

The bill was referred to the joint committee on Finance upon motion of Senator Hollander, with unanimous consent.

The bill was recalled from the joint committee on Finance and made a Special Order for 9:01 o'clock tomorrow morning prior to Senate Bill 221 and Senate Bill 434, upon motion of Senator Hollander, with unanimous consent.

GUESTS INTRODUCED

Senator Knowles introduced to the senate Dr. R. M. Bell, Johnson Bible College, Knoxville, Tennessee, Donald Black, Minister, Winnequah Christian Church, Madison, Wis. Howard Ganong, Minister Westwood Christian Church, Madison, Wis. and Bruce Burdick, Evangelist, Wisconsin Christian Missionary Assn., Madison, Wis., who were present with the Reverend Wilbur A. Reid of Madison.

Upon motion of Senator Knowles, the senate adjourned until 9:00 o'clock Tuesday morning, October 12th, 1965.

CHIEF CLERK'S REPORT

The Chief Clerk records

Senate Bill 513,

Senate Bill 557, and

Senate Bill 564

Correctly engrossed on Monday, October 11, 1965.

CHIEF CLERK'S CORRECTION

The Chief Clerk make the following correction On Senate Joint Resolution 101

On page 1, line 3, substitute "Saturday, September 11," for "Friday, September 10".

CORRECTIONAL NOTE FROM LEGISLATIVE REFERENCE BUREAU RELATING TO AMENDMENT 1, S., TO SENATE BILL 92

Due to a typing error or poor photographic reproduction, we find that the following correction should be made on page 1

In lines 8, 12 and 13, substitute "20.410" for "20.420".

CORRECTIONAL NOTE FROM LEGISLATIVE REFERENCE BUREAU RELATING TO SENATE BILL 598

Due to a typing error or poor photographic reproduction, we find that the following correction should be made on page 2

- 1. In lines 1 and 2 delete "2. For a county, "area of operation" means the county.", and lower case "area" in line 2.
 - 2. After line 10, insert:
 - "2. For a county, "area of operation" means the county.".